

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GACC, LLC d/b/a SHENANIGAN'S,

Plaintiff,

Case No.: 17-cv-02863 (PGG) (KNF)

-against-

Civil Action

BONWORTH, INC.,

DEFAULT JUDGMENT

Defendant.

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This action having been commenced on April 20, 2017 by the filing of the Complaint, and a copy of the Summons and Complaint having been personally served on the defendant, BONWORTH, INC., on May 10, 2017, by personal service upon Nick Dmytryszyn; and a proof of service having been filed on May 26, 2017; and Defendant having filed an Answer to the Complaint with Counterclaim on August 29, 2017; and Defendant's counsel having thereafter moved by letter motion dated April 15, 2021 to withdraw as counsel; and the Court, by Order dated April 22, 2021, having granted counsel's motion and directed Defendant BONWORTH, INC. to appear by substitute counsel by May 24, 2021; and Defendant having failed to appear by substitute counsel as directed by the Court; and the Plaintiff, GACC, LLC d/b/a SHENANIGAN'S, having filed, on June 1, 2021, a motion for default judgment against Defendant BONWORTH, INC. pursuant to F.R.C.P. 55(b)(2), for Defendant's failure to appear by substitute counsel and to otherwise defend against the within action; and the Court, by Order to Show Cause dated ~~June 2~~ October 1, 2021, having directed the Defendant BONWORTH, INC. to show cause on ~~July 8~~ November 4, 2021 why, *inter alia*, an order for default judgment should not be entered against Defendant for the claims or counterclaims in which BONWORTH, INC. is a defendant herein, and having further directed Defendant to serve and file its response to Plaintiff's motion for default judgment by ~~June 17~~ October 21, 2021; and the Defendant BONWORTH, INC.

having failed to file any response to the Plaintiff's motion for default judgment, and the time to do so now having expired; and the Plaintiff having submitted an Affidavit attesting that the Defendant is indebted to Plaintiff in the principal sum of \$445,071.65, and having presented sufficient proof of said damages to the Court; it is hereby

ORDERED, ADJUDGED AND DECREED: That the Plaintiff, GACC, LLC, d/b/a SHENANIGAN'S, having waived its rights to all costs, attorneys' fees, and interest on the unpaid amounts due to it from the Defendant, have judgment against Defendant BONWORTH, INC. in the total amount of \$445,071.65.

The Clerk of Court is directed to terminate any pending motions and to close the case.

Dated: New York, New York
~~NY~~_____, 2021
November 4,



U.S.D.J.